

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, JUNE 28, 2022**

Mayor Bukiewicz called the meeting to order at 6:01 p.m. The following Commissioners were present at roll call: Commissioner Carrillo, Commissioner Kiepczynski, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, Commissioner Siefert and Commissioner Chandler. Commissioner Hanna and Alderman Loreck were excused. Also present: Kari Papelbon, Senior Planner; Jack Kovnesky, Zoning Administrator/Planner; and Mike Havey, Assistant Fire Chief.

Minutes of the June 14, 2022 meeting

Alderman Guzikowski moved to approve the minutes of the June 14, 2022, meeting. Commissioner Siefert seconded. On roll call: Commissioner Carrillo and Commissioner Oldani abstained, all others voted aye. Motion carried.

**COMPREHENSIVE PLAN AMENDMENT
ANGUIANOS SEAL COATING
7977 S. 13TH ST.
TAX KEY NO. 811-9997-001**

Senior Planner Papelbon provided an overview of a request to change the Land Use Plan category from Single-Family Detached to Commercial for the property at 7977 S. 13th St. (see staff report for details).

Commissioner Oldani inquired if the current owner is making the request. Senior Planner Papelbon confirmed the current owner is making the request. Senior Planner Papelbon explained that the previous landowner also made a request to rezone the property; however, the process was never pursued prior to the land sale to the current land owner.

Commissioner Siefert expressed concerns about adding commercial to an area that is mostly residential, and stated that he is in favor of keeping the land residential.

Attorney Michael Maistelman, representing the applicant, Daryela Romero, 8989 North Port Washington Road, Milwaukee, was present.

Commissioner Chandler asked the applicant to provide some information regarding the choice of this location.

Daryela Romero explained that she does a lot of work in Oak Creek, and saw this space was available for sale. Ms. Romero stated that she liked the space and thought it would be a good space to run her office.

Commissioner Chandler asked what type of activities would occur in this space. Ms. Romero stated it would be used as an office.

Commissioner Chandler asked if the applicant has received any feedback from the residents.

Mr. Maistelman said that he asked his clients to go meet the neighbors. Mr. Maistelman provided a petition to the Plan Commission for review.

Commissioner Chandler asked the applicant to provide some details about the petition that the Plan Commission was reviewing. Ms. Romero explained that she went to the houses in front of the property she owns. Ms. Romero introduced herself, told them what her business is, and asked their thoughts. Ms. Romero stated that the neighbors she spoke to seemed to be happy with the plan. Two (2) of the houses were vacant and some were not home. She focused on the eight houses in front of the property.

Mayor Bukiewicz referred to the map and stated the property in red on the corner is a farm house that is zoned business. The subject property is directly south of the farm house and is currently a home. Mayor Bukiewicz continued and stated that the property next door is also a home. Mayor Bukiewicz also said there is a group of buildings beyond that, that is being used as business.

Senior Planner Papelbon explained the property in red on the screen is not currently zoned commercial, but is identified for future redevelopment for commercial use. The subject property is currently zoned Rs-3. The two properties that are immediately south are zoned B-4 with a Conditional Use Permit on the larger property to run a vehicle customization business.

Mayor Bukiewicz gave an overview of some of the areas nearby that have commercial and residential. Mayor Bukiewicz also said he is not opposed to the proposal because there are processes in place to make sure the business fits appropriately.

Senior Planner Papelbon said the Comprehensive Plan Amendment is step 1, and step 2 would be requesting a Zoning Text Amendment or a Rezone and a Conditional Use Permit request.

Mr. Maistelman clarified that there would be no vehicles parked outside.

Mayor Bukiewicz asked to confirm that the right to have a single-family home on the subject property would be removed. Senior Planner Papelbon explained that the single-family residential component would be removed. The Zoning Code would need to be reviewed to determine if a portion could still be used for residential quarters as part of a caretaker's quarter. This business will not be considered a home-based business. If this item goes forward the property would be commercial and comply with all the commercial zoning district requirements.

Doug Mayr, 8041 S. 13th St.:

"My brother and I own the buildings just to the south of this property. We've actually been there since 1982. I don't know how long many of you have been here, but you're probably aware that we've completely improved that property with, it was gravel when we bought, we paved it, we sided the buildings, the block buildings had a roof put on it, the other buildings have recently been painted. When we bought it there was an implement dealer already there, so some sort of motor vehicle businesses has always been in that area. Esch [Lawn & Garden] was there. The block building to the north farm implement or something. So then when we bought this house, seven years ago, we went through it thinking that somebody might want to make this entire parcel a bigger commercial parcel. It didn't really go that way. The one tenant ended up buying the block building and they're actually upgrading that now, they're doing really nice there. We are upgrading what was the blue buildings, now it's a gray building, so that is for sale. I would think that having just a stand-alone residence in a commercial area like that would kind of awkward for the overall future plan of the way things would go. I just wanted to let you know the history a little bit in case someone hadn't seen that. With all the commercial development that has gone on there, Drexel Town Square, the Ikea side, the big fitness center, and other things

that are going up there, you would kind of have a stand-alone house there, so I don't know how that would be well suited to that area. That's all I really have to say, but I think they have good plans for the future, is what I've been told. Thanks for letting me speak."

Alderman Guzikowski moved that the Plan Commission adopts Resolution 2022-04, amending the Land Use Plan category in the *Comprehensive Plan, City of Oak Creek* (adopted March 3, 2020; last amended March 1, 2022) from Single-Family Detached to Commercial for the property at 7977 S. 13th St., following review and adoption by the Common Council. Commissioner Oldani seconded. On roll call: all voted aye. Motion carried.

PLAN REVIEW
HDC CONTRACTORS, INC.
9327 S. SHEPARD AVE.
TAX KEY NO. 874-9999-000

Senior Planner Papelbon provided an overview of the proposed accessory structure/pavilion for the American Legion (see staff report for details).

Commissioner Chandler asked the applicant if there will be any changes to the asphalt under the proposed structure. Brandon Fettig, 9327 South Shepard Ave., stated there would be no changes, just picnic tables.

Commissioner Siefert asked if there would be any lighting hung on the poles. Mr. Fettig explained that in the future there are plans to put a couple outlets and some lights, but at this time that is not part of the proposal.

Commissioner Carrillo asked what the structure will be used for. Mr. Fettig said residents and groups use that area for picnics, family outings, and cookouts, this would provide shelter for their events.

Commissioner Siefert moved that the Plan Commission approves site and building plans submitted by Scott Seager, HDC Contractors, Inc., for the property at 9327 S. Shepard Ave. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That the plans are revised to include locations and screening for any new electrical and mechanical equipment, transformers, and utilities (if applicable).
3. That all detailed, revised plans are submitted in digital format to the Department of Community Development prior to submission of permit applications.

Commissioner Oldani seconded. On roll call: all voted aye. Motion carried.

PLAN REVIEW
FORD CONSTRUCTION CO., INC.
7760 S. 6TH ST.
TAX KEY NO. 781-9029-000

Zoning Administrator/ Planner Kovnesky provided an overview of the site, building, and related plans for exterior building modifications (see staff report for details).

Jim Worzenski, Ford Construction, 1419 Poplar Drive, Waukesha, stated there is a mistake on the plans: there is no intention to do landscaping at this time, only landscaping damaged during construction will be restored.

Tom Gralewicz, building owner, 6630 West Cold Spring Road, explained that all the landscaping along the front of the building was redone about a year and a half or two years ago. Mr. Gralewicz said he would like to keep the current landscaping; however, the grass will be disturbed during the installation of the columns. Mr. Gralewicz also said the current look of the building from a landscape standpoint should not change.

Senior Planner Papelbon said that since this project is a replacement type of situation for landscaping the Code requires a minimum landscape area at the base of buildings that has to be a minimum depth. Staff just wants to know that it will be installed as close to Code as possible.

Commissioner Siepert asked what material will be used for the blue stripe. Mr. Worzenski stated it will be a flat panel aluminum siding with blend strips to make it appear as one piece.

Commissioner Chandler asked to confirm the color scheme. Mr. Worzenski stated the colors are based on his client's corporate color marketing plan. Mr. Worzenski continued by stating the applicant will be painting the north side of the building in addition to the west side of the building to give the building a refresh.

Mayor Bukiewicz said he agreed it will be a nice refresh and help improve the industrial park.

Commissioner Oldani moved that the Plan Commission approves the site, building, and related plans submitted by Robert Ford, Ford Construction Co., Inc., for the property at 7760 S. 6th St. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That all mechanical equipment, transformers, and utility boxes (ground, building, and rooftop) shall be screened per Code.
3. That all detailed, revised plans are submitted in digital format to the Department of Community Development prior to submission of permit applications.

Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

SIGN PLAN REVIEW
FORD CONSTRUCTION CO., INC.
7760 S. 6TH ST.
TAX KEY NO. 781-9029-000

Zoning Administrator/ Planner Kovnesky provided an overview of the proposed sign plan for the existing building located at 7760 S. 6th St. (see staff report for details).

Commissioner Chandler asked if the lines are supposed to be an arrow. Jim Worzenski, Ford Construction, 1419 Poplar Drive, Waukesha said no, the signs are supposed to be continuous with the building.

Commissioner Chandler inquired if there will be any letters or information on the blue strip. Mr. Worzenski stated no, the blue strips will tie the two signs together.

Commissioner Carrillo asked if the sign will be lit. Mr. Worzenski stated the signs will not be lit.

Commissioner Siepert moved that the Plan Commission approves the sign plan submitted by Robert Ford, Ford Construction Co., Inc., for the existing building on the property at 7760 S. 6th St. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That all signs require permits before installation.

Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

PLAN REVIEW
UW CREDIT UNION
7902 S. MAIN ST.
TAX KEY NO. 813-9049-000

Senior Planner Papelbon provided an overview of the site, building, and related plan review for a proposed financial institution (credit union) with drive-through facilities (see staff report for details).

Commissioner Chandler asked the applicant to provide additional information about the entrances and exits.

David Ewanowski, KEE Architecture, 3220 Syene Road, Madison, referenced the east elevation of the plans and stated the doors to the right near the red waterfall piece are the main entrance to the building. There is an emergency exit however the applicant would like to limit public entry to one location.

Commissioner Chandler inquired about the entrance and exit for the employees. Mr. Ewanowski explained that the staff and cleaning staff will have a separate entrance that is locked from the exterior with key card access.

Commissioner Chandler asked where the staff doors are located. Mr. Ewanowski said the doors are on the south elevation of the building. The exit in the southwest corner is an exit from the employee breakroom and the other door is an emergency exit.

Commissioner Chandler asked the applicant to provide additional details about the pedestrian crossing areas. Mr. Ewanowski explained that he understands the importance of defined crossing areas and would discuss it with staff. Mr. Ewanowski continued and stated that there is more parking than needed for the credit union and there will be members and non-members using the space.

Commissioner Siepert expressed some concerns that the traffic flow in the parking lot is tight with the center island. Commissioner Siepert suggested moving the ITMs to the east a little more to allow for better traffic flow. Mr. Ewanowski stated they have provided stacking space, but will discuss it with the civil engineer and City staff.

Commissioner Oldani agreed with Commissioner Siepert that the ITMs should be moved away from the building. Commissioner Oldani asked Senior Planner Papelbon how the conversations went with the applicant regarding the proposed site plan.

Senior Planner Papelbon stated there have been many conversations among staff as well as with the applicant's consultants. Senior Planner Papelbon stated that there have been multiple

iterations of the plans. Comments regarding traffic flow are appreciated. There were some minor concerns from staff with regard to the two-way traffic, particularly at the entrance for the ITMs. The connection points that flow between the two parking lots for this site and PetSmart and MattressFirm site - there is less concern because there is a different entry and exit point to connect there. Senior Planner Papelbon stated that she thinks staff could support signs that would only allow people to enter the ITMs from one direction to help reduce conflict.

Commissioner Oldani stated that he thinks it would make more sense if cars looped around and entered the drive-through from the other direction, allowing customers to go straight out and never go close to the entrance. Commissioner Oldani specified that he would like to see the plan almost flipped where customers would come out of the drive through and go more straight to the street or exit of the parking lot. Commissioner Oldani stated that unless the conversations have been exhausted, and this is the only possible plan, he would like to see other options.

Cheryl Weisensel, 3500 University Avenue, Madison explained that UW Credit Union always tries to face the computer screens on the ITMs to the east to help reduce sun glare.

Commissioner Oldani asked Ms. Weisensel about the sun glare in the morning. Ms. Weisensel explained the car will usually block the sun a little bit more as the sun is rising and there is more traffic to the afternoon and evening time frames.

Commissioner Oldani said he is unsure if other locations have the same parking lot setup. Mr. Ewanowski agreed this parking lot offers challenges by trying to maximize parking to meet the Drexel Town Square requirements for shared parking.

Commissioner Oldani suggested flipping the ITMs 90 degrees, and said asking that traffic to have to loop around close to the building where people are coming and going and walking across does not jive with him.

Alderman Guzikowski said he agrees with the other Commissioners regarding traffic flow.

Mayor Bukiewicz asked what element will be put in place on the Main Street side where the elevations change, if the setbacks are being met.

Senior Planner Papelbon stated that there will be retaining walls on the north side that will be screened with vegetation. There will also be one on the west side. Senior Planner Papelbon explained that because Drexel Avenue is a mixed building and landscape zone (MLZ), staff feels the building and landscaping locations as proposed fulfill the intent of the MLZ. Senior Planner Papelbon also explained that the proposed building location being so close to Main Street fits with the requirements for the build-to zone along Main Street.

Mr. Ewanowski referenced the west elevation plan, and explained that Main Street slopes from south to north. The building will be at grade on the south part with a low retaining wall. There will be steps towards the north side of the west elevation that will allow customers to enter that way. Mr. Ewanowski stated the retaining wall will be cast-in-place concrete that will have a sand blast finish. On the north side of the building there will also be a low retaining wall that has a stone similar to the building.

Assistant Fire Chief Havey said there are no typical concerns from the Fire department regarding access, and that there are no concerns regarding building materials. He stated that he is not sure, but does not believe a suppression system will be required based on square footage.

Mayor Bukiewicz inquired if the mechanicals will be on the roof or ground.

Mr. Ewanowski said the only item that will be on the ground is an electrical transformer that will be screened per the landscape plan. The south wall is made of masonry and is taller to screen the mechanicals on the roof.

Commissioner Chandler inquired if one set of stairs will be converted to a ramp.

Mr. Ewanowski stated the applicant would like to talk about it. If the goal is to provide another accessible entrance, however, due to the grade change, it would take about 45 feet of length in order to take up the change in grade. Mr. Ewanowski said he understands that accessibility is an issue, and would like to talk about the impact on the site. UW Credit Union recently opened another branch in Bay View that has ramps. The ramps are possible; however, it has an impact on the site plan.

Commissioner Kiepczynski noted that if the plans remained the same, but the traffic flow is flipped for customers entering the ITM area, it would cause a conflict point at the driveway where traffic enters and exits because it would cause customers to make a left-hand turn across incoming traffic to leave.

Commissioner Oldani said he understands it would take some discussion and throwing ideas around to change the parking lot. Commissioner Oldani stated that he was just hoping for something a little better.

Senior Planner Papelbon asked Commissioner Kiepczynski if limiting traffic flow with signage could help cut down on the conflict.

Commissioner Kiepczynski said if the proposed layout would work the best, then signage would be a viable solution. Commissioner Kiepczynski also said she is not sure what percentage of customers are parking and walking into the building versus the amount of the traffic that goes through the ITMs.

Ms. Weisensel explained that at a peak time it might be about ten members' cars. A lot of transactions can be performed at the ITMs.

Commissioner Oldani inquired if the ITMs could be pushed to the east and add a second entrance for people using the ITMs. Senior Planner Papelbon noted to keep in mind that the entrance is coming off of an alleyway. Adding a second entrance may reduce the number of parking stalls and create another choke point on an alleyway. Forge and Flare has an entrance to the south for their tenants, which means traffic flow patterns would need to be considered there as well.

Commissioner Oldani moved that the Plan Commission approves the site and building plans submitted by Brad McClain, UW Credit Union, for the property at 7902 S. Main St. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That the plans are revised to incorporate details for all proposed exterior building materials and percentages per elevation.
3. That the exterior brick, masonry, and stone veneers meet the minimum 3-inch requirement per Code.

4. That detailed plans for signage are reviewed and approved by the Plan Commission prior to submission of sign permit applications.
5. That all parking lot lights meet the DTSMUPDD-approved specifications (pole, pole height, fixture, color), that all light sources are shielded and directed downward, and that the color temperature of the fixtures are limited to a maximum of 3,500 Kelvins.
6. That the landscape plans are revised to incorporate staff comments and Code requirements.
7. That the plans are revised to include locations for all mechanicals, transformers, and utilities. All mechanical equipment, transformers, and utility boxes (ground, building, and rooftop) shall be screened from view.
8. That all detailed, revised, and finalized plans are submitted in digital format to the Department of Community Development prior to submission of permit applications.
9. That site plans are revised to incorporate Plan Commission comments regarding traffic flow patterns (as stated by Senior Planner Papelbon).

Commissioner Siepert seconded. On roll call: Alderman Guzikowski voted no, all others voted aye. Motion carried.

**PLAN REVIEW
GLOBAL SCHOOLWEAR
200 W. OAKVIEW PKWY
TAX KEY NO. 955-1045-000**

Senior Planner Papelbon provided an overview of the site, building, and landscaping plans for the proposed office and warehouse facility (see staff report for details).

Commissioner Oldani asked Senior Planner Papelbon to provide some feedback as to why this proposal came back before Plan Commission with so many concerns. Senior Planner Papelbon said the initial staff report did not change from what was presented to the Plan Commission because staff, at the time, did not have any additional information to provide to the Plan Commission. The revised plans came in the day before and the day of the meeting, so staff has not had time to review them. The applicant and their consultants did request that the Plan Commission consider these plans and the information that has been provided from the DNR to the applicants and their consultants to give an update, especially considering that was what the major concern was at the last Plan Commission meeting. There is a timing element to this particular application, so they are requesting that the Plan Commission give their consideration due to that timing element. Senior Planner Papelbon also said that she forwarded the communications from the applicants and their consultants.

Commissioner Oldani expressed concerns regarding not having staff's recommendations about the new plans.

Mayor Bukiewicz explained that this item was discussed in greater detail at a small leadership meeting about two weeks prior to the Plan Commission meeting. Part of the issue is a timing issue with the applicant. Part of what held this item up was the wetland question that came out of the DNR. Mayor Bukiewicz also stated that the applicant proposed the building on the site at the same time the Zoning Code was being updated. Once the Zoning Code was approved it changed the setbacks.

Senior Planner Papelbon clarified that the Zoning Code had been going through the process before that. Senior Planner Papelbon also stated that there were concerns at the staff level with regards to the plans that were received, and there were several conversations.

Mayor Bukiewicz said that staff is still working through their concerns; however, the wetlands have become less of an issue, but the Plan Commission still needs to wait on the wetlands. It is a timing issue, and the applicant wanted to get through the process instead of holding it up.

Senior Planner Papelbon explained that, in regards to the questions that staff had, more conversations needed to occur in regards to the architecture, Code requirements, et cetera. The revised plans came in late, but staff was able to look at them briefly, and they do appear to incorporate of the comments received. However, staff is unsure if there are additional minor changes that would be required in order to fully comply with Code.

Commissioner Oldani asked if staff is comfortable moving forward with the proposed plans with all the conditions. Commissioner Oldani noted there is one option to hold the item, and inquired if that is where the applicant would need to reapply.

Senior Planner Papelbon said no, a hold is when Plan Commission does not make their determination until additional information is submitted and reviewed at the next meeting or subsequent meeting. Senior Planner Papelbon also said a hold is not a denial - it is simply no decision made at this time.

Commissioner Oldani agreed that he did not want to deny, but did want staff to be confident if the item is passed.

Senior Planner Papelbon stated she thinks staff's major consideration with this proposal is timing, and staff has not had enough to look at the plans. Senior Planner Papelbon said that after glancing at the plans, staff can say it looks like they are moving in the right direction, but does not know whether or not there would be any requirements, outside of the presented conditions, or modified conditions that would be necessary to make the plans more Code compliant. The plans look like they are moving in the right direction, but staff cannot be sure if the proposed conditions get at everything.

Commissioner Siepert asked the applicant if they feel this project will encounter problems with the DNR or Army Corps of Engineering (USACE).

Rizal Iskandarsjach, JSD Professional Services, explained that a couple of items have come in since the last Plan Commission meeting two (2) weeks prior. Mr. Iskandarsjach stated that the USACE sent the applicant a letter stating they are not taking jurisdiction over this project. The applicant received an approval for notice of intent for grading permit from the DNR. Mr. Iskandarsjach clarified that the approval came from the erosion control department of the DNR and not the wetland fill department. One (1) department is approving the wetland fill by allowing the applicant to grade into the wetland, but not officially. Mr. Iskandarsjach stated the applicant is working with the additional information letter that the DNR requested for the wetland fill and some of the items that the DNR would like the applicant to look at is to have a steeper slope, close to the wetland fill area to minimize the wetland fill. On the proposed plan the applicant is proposing to fill about 590 square feet on the south side of the fill. Mr. Iskandarsjach explained that the applicant is reducing the length of the truck dock area so the west wetland area does not need to be filled. Mr. Iskandarsjach also stated there is a small wetland by the south entrance that will not be filled. The applicant is requesting a three to one (3:1) slope instead of a four to

one (4:1) slope. The DNR has a zero (0) setback, allowing the applicant to grade up to the wetland line without a five-foot buffer. Mr. Iskandarsjach continued to explain that the applicant was able to make it so the north wetland does not need to be filled. In two (2) weeks, the applicant was able to reduce the wetland fill from 8,000 square feet of wetland fill to 590 square feet of wetland fill. Mr. Iskandarsjach said the applicant is waiting for a response from the DNR.

Commissioner Siefert asked Mr. Iskandarsjach if he feels they will have any problems meeting the DNR requirements. Mr. Iskandarsjach said no because they already got approval from one (1) department of the DNR that allows the applicant to do the grading for the entire site including the wetland fill.

Commissioner Siefert asked Mr. Iskandarsjach if he sees any problems with the DNR. Mr. Iskandarsjach stated it is a timing issue with the DNR. Mr. Iskandarsjach also stated that the DNR has 30 days to respond to the applicant's response, and should the DNR request more information, they have another 30 days to respond to that response. Mr. Iskandarsjach said if the applicant is still waiting for a response for the 590 square feet of wetland fill they could avoid that area during construction until that approval comes in.

Commissioner Siefert asked Senior Planner Papelbon if she sees any problems if the applicant does not get approval from the DNR. Senior Planner Papelbon said if the applicant does not get approval from the DNR they may need to come back before the Plan Commission for an additional modification to the site plan. Senior Planner Papelbon also stated that it may not be enough that the applicant would need to come back, but there is potential that they would.

Commissioner Chandler inquired what the Plan Commission is approving because her understanding is that the Plan Commission should have the DNR's approval to move forward. Senior Planner Papelbon said yes, but clarified that staff received revised plans that have less direct impacts to the wetlands. Senior Planner Papelbon stated that in regards to what the DNR is going to decide or determine what is needed as additional information, it would ostensibly be, with these plans, less of an impact and less fill requested. Senior Planner Papelbon said she believes the intent is to maintain the five-foot setback to the building per Oak Creek's Code. In the past, staff or the Plan Commission have required as a condition that approvals or permits from the DNR be submitted prior to building permit applications. Staff cannot give Plan Commission absolute assurance that the revised plans meet the Code requirements, and cannot give absolute assurance that the revised plans with the 10 recommended conditions meet Code requirements; however, the plans are closer.

Commissioner Chandler asked the applicant who received the revised plans. Senior Planner Papelbon said the plans that were provided to the Commissioners are the revisions that Oak Creek staff have received to-date.

Commissioner Chandler asked to confirm if the information has gone to the DNR answering all of the DNR's questions. Senior Planner Papelbon said the information that has been provided to the DNR the City has not received. The applicant has been in contact with the DNR, but the City has not received that correspondence because it was not done by email.

Commissioner Chandler asked the applicant to provide more information about the correspondence because the staff report contains a lot of questions from the DNR that are unanswered. Mr. Iskandarsjach said the materials that were submitted to the City on June 27 and June 28, 2022 have been forwarded to the reviewer at the DNR.

Commissioner Chandler asked Mr. Iskandarsjach what he was referring to when he says the materials. Mr. Iskandarsjach stated the site plans that show the applicant is reducing the proposed wetland fill. The DNR also asked questions about alternative site analysis. The DNR questioned why the applicant chose this site. The applicant responded accordingly with a letter from Erica-Nicole Harris at Wispark, noting that what they saw as an open site has actually been sold off and is not available to Global Schoolwear.

Commissioner Chandler said in addition to the questions about the open sites, there are questions about filling or not filling the wetlands.

Mr. Iskandarsjach confirmed the DNR did ask questions about filling the wetlands. Mr. Iskandarsjach clarified that the DNR wants the applicant to reduce the amount of fill because the original submittal requested about 8,000 square feet of fill for the general permit process. Mr. Iskandarsjach said they were able to work with the City, owner, and client to adjust the site plan and grading to reduce the wetland fill to about 590 square feet.

Commissioner Chandler asked if the DNR has responded to the revised information. Mr. Iskandarsjach said they have not received a response and the DNR has 30 days to respond.

Commissioner Chandler asked what activities can happen before the DNR approves the plans, and why there is a rush for the Plan Commission to review the materials and approve or provide feedback the day they are received. Commissioner Chandler also asked Senior Planner Papelbon if the item can not move forward if the DNR does not agree.

Senior Planner Papelbon said there can be no wetland impacts without DNR approval.

Commissioner Chandler sought understanding of the reason for the rush to review and approve or provide feedback.

Greg Prossen, the Consortium AE, 893 Goldenview Court, Oconomowoc, explained that there is a commitment right now to deliver precast [concrete] to the site around the middle of September, but in order to have the site ready to accept the delivery the contractor feels they need to be onsite by the middle of July. Mr. Prossen stated that under the general fill requirements by the DNR, up to 10,000 square feet of wetlands can be filled without any mitigation or other impacts. Mr. Prossen said it was his understanding that there were zero (0) setbacks with the new Zoning Code that was adopted in March 2022; however, there are now local setbacks for the wetlands that are five (5) feet of no grade buffer and a total of 15 feet setback. Mr. Prossen stated he thought they could mitigate the three (3) wetlands in various sizes under 10,000 square feet to meet the setback requirements. Mr. Prossen forwarded the information to Mr. Iskandarsjach, who forwarded the information to the DNR. Mr. Prossen said the DNR responded by saying the DNR will not mitigate wetlands to meet local setbacks that are more aggressive than DNR's. Mr. Prossen said there is a small piece on the south wetland that needs to be reduced enough to get a three to one (3:1) slope in there and maintain the City's setbacks.

Mr. Prossen stated the other concern was the aesthetics. The buildings in the business park now are primarily buildings that are smooth, painted, or precast [concrete] buildings with articulations in both height and depth in most cases. The building was approved by Wispark, the previous building was previously approved by Wispark. Mr. Prossen said the designers think they have improved the street elevations. Mr. Prossen asked Senior Planner Papelbon if the designers would need to ask the Plan Commission for a modification to on the proposed street elevations

because they do not meet the letter of the new Zoning Code with regard to the percentage of smooth concrete on the street facades.

Senior Planner Papelbon confirmed that is correct, it would be modification request for anything that does not meet the specific requirements of the materials as laid out in the Code. Senior Planner Papelbon said she cannot give exact modification language because she has not had the opportunity to review the new plans.

Mayor Bukiewicz said he likes the look from the street.

Senior Planner Papelbon explained that, from staff's perspective, of the plans that were received the day of the meeting and the day before, it does appear that the applicants are moving in the right direction. But if the Plan Commission is going to grant a modification request, she stated that she will need to provide the exact modification request to approve.

Mayor Bukiewicz inquired if the DNR can stop the whole process. Senior Planner Papelbon clarified that the DNR can stop the impacts to the wetlands.

Senior Planner Papelbon repeated that staff does not have the modification language at this time so the Plan Commission would be issuing a condition that the applicants would need to meet Code requirements.

Mayor Bukiewicz inquired if the applicants could come back in two (2) weeks. Senior Planner Papelbon confirmed the applicant could come back; however, it would place a hold on the plans.

Senior Planner Papelbon explained that the Plan Commission has two (2) options: wait and request additional information, or require the applicant meet the letter of the Code, as in the presented conditions.

Mayor Bukiewicz asked the applicant if he wanted to come back in two (2) weeks. Mr. Prossen explained that the applicant cannot meet Code at this time. Mr. Prossen summarized that the Zoning Code requires no more than 50% smooth concrete on any side of the building. The back side of the building and the north side are more than 50%, which is no different than any other building in the park. Mr. Prossen added that the designers do not necessarily need to do the small fill on the south wetland, about 550 square feet. The designers could install a retaining wall on the wetland itself; however, the modification would be within the five-foot buffer that the City has requested.

Senior Planner Papelbon said that without having an opportunity for the Engineering Department to review the revised erosion control and grading plans, they are, on the surface, okay with the three to one (3:1) slope to avoid the retaining wall issue. Senior Planner Papelbon stated that staff is requesting an opportunity to review the plans, give them a good review, and present for everyone's clear approval.

Mayor Bukiewicz asked to confirm that, aesthetically, the plans are over 50% concrete. Senior Planner Papelbon confirmed that on some of the elevations that is correct.

Mayor Bukiewicz said that a lot of the buildings in the business park are that way. Senior Planner Papelbon stated that is correct.

Mayor Bukiewicz stated it is a nice-looking building. Commissioner Oldani said he does not believe anyone is disputing that. Commissioner Oldani explained that he understands the timing issue with the DNR that can be dragged out to 60 days if more information is requested. Commissioner Oldani inquired what other timing issues this project is against, other than the construction logistics.

Adam Weil, 2625 North Harding, Wauwatosa, said the company is excited to be moving the business to Oak Creek. Mr. Weil explained that the company is extremely seasonal, and needs to be able to get into the building and have everything moved in time to ship for back to school. Mr. Weil continued by explaining that right now the company is extremely busy and has two (2) shifts.

Commissioner Oldani asked Senior Planner Papelbon if a special Plan Commission meeting has ever been scheduled. Senior Planner Papelbon stated that a special meeting can be scheduled if there is a quorum and sufficient time for notice requirements to the surrounding landowners. Senior Planner Papelbon said it is not going to work in this case because the Fourth of July holiday is near, unless the Plan Commission met on an off-night and there are no other meeting conflicts.

Commissioner Oldani asked Senior Planner Papelbon how long she thinks staff would need to give the plans a thorough look over. Senior Planner Papelbon said with current staff workloads, staff would need at least a few days, if not a week.

Commissioner Oldani said he feels like he is undermining the staff if the Plan Commission approved the site plan without their thorough review. Mayor Bukiewicz agreed.

Commissioner Oldani explained that he would feel better if staff had reviewed the plans before the Plan Commission approves it. Commissioner Oldani reiterated his question and asked if staff is able to review the plans and call a special meeting, even it was by Zoom. Senior Planner Papelbon stated the Plan Commission is no longer permitted to do meetings via Zoom.

Commissioner Carrillo suggested meeting on next Tuesday before the Common Council meeting. Senior Planner Papelbon said next week is the Fourth of July holiday, and that the Plan Commission would need to meet on an off night. Mayor Bukiewicz stated the Common Council meeting was canceled for July 5.

Senior Planner Papelbon said a special meeting can be called; however, everybody would need to be available for a quorum if there is enough time to do the proper notice. Senior Planner Papelbon explained that she recognizes that the notice will be limited to Oakview Business Park based on the 300 feet rule, and staff has not heard any objections from anyone in the park at this time, but the City must still follow the standard notice procedure.

Mayor Bukiewicz said getting a quorum is probably possible.

Mr. Prossen asked when the next Plan Commission meeting is scheduled. Senior Planner Papelbon responded July 12, two (2) weeks from the current meeting.

Mr. Prossen said the goal is to get on site and pushing dirt by the middle of July. Mr. Prossen explained that part of the building permit process is the agent plan review that is done at the City level. The applicant does have a request in at the time of the meeting for permission to start, which would allow the applicant to start on the site without a review and the applicant would take the responsibility if there are some issues. Mr. Prossen said if the applicant can get permission

to start shortly almost immediately after the July 12 meeting, then the applicant could make the July 12 meeting work. Mr. Prossen also said he thinks there is a way to take the small fill on the south wetland off the table if the City would consider allowing the applicant to install a retaining wall in the first five (5) feet of offset from the wetland. The building will fall within the 15-foot setback from the north edge of the small wetland.

Senior Planner Papelbon questioned why the applicant would want to put a retaining wall instead of a three to one (3:1) slope.

Mr. Prossen showed Senior Planner Papelbon the site plan, and discussed the need for a retaining wall. Senior Planner Papelbon questioned if the applicant would need a retaining wall regardless.

Mr. Prossen stated the applicant would need a retaining wall if a portion is not filled. If they filled that section, the project would then have the five-foot buffer and 15-foot setback, using the three to one (3:1) slope. If the wetland is not filled, a retaining wall would be required with a variance for the setback.

Mayor Bukiewicz inquired if the applicant is talking about the southeast corner. Mr. Prossen referenced the site plan, and said the south wetland has a very small portion on the north end, closer to building, that the applicant is proposing to fill - about 580 square foot of the wetland. Mr. Prossen said this will accommodate the 3 to 1 (3:1) slope for grading, and the 15-foot setback that the City also requires. If the applicant does not fill the small wetland, the applicant can install a retaining wall at the edge of the wetland; however, then the applicant will not meet the 15-foot setback.

Senior Planner Papelbon said she cannot speak for the Inspection Department and their workload, but can promise staff will move as quickly as they can to an early start reviewed. Senior Planner Papelbon also said that she cannot, without having a conversation with the Inspection Department, determine what exactly the review period would be.

Mr. Prossen said the permit is in right now; however, he did not realize that part of Oak Creek's process is to hold off review until the Plan Commission approves the proposal. Senior Planner Papelbon confirmed that is correct because the Inspection Department cannot approve something for which the Plan Commission has to give approval. Mr. Prossen said he understood; however, that is not how it would work if the applicant submitted to WI DSPS.

Commissioner Oldani asked if the Plan Commission approvals can be dependent on the Inspection Department's approval. Senior Planner Papelbon stated that she does not see how that is possible and that is circular logic.

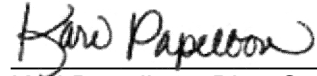
Mr. Prossen said he does not see any issues with the building department approval in terms of the Building Code. Senior Planner Papelbon clarified that the Engineering Department also needs to review the erosion control as part of the early start. Senior Planner Papelbon also said that she is not sure if there are any issues that Engineering would see that she would not see.

Mayor Bukiewicz asked Assistant Fire Chief Havey if there were any concerns from the Fire Department. Assistant Fire Chief Havey said there are no concerns at this time.

Commissioner Oldani moved that the Plan Commission hold item 8a to a future date. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 8:27 pm.

ATTEST:



Kari Papelbon, Plan Commission Secretary

7-12-22

Date